

February 17, 1983

Document No. 4275

Adopted at Meeting of 2/ 17/83

APPLICATION OF MONDEV MASS., INC. AND SEFRIUS CORP., GENERAL PARTNERS OF LAFAYETTE PLACE ASSOCIATES, FOR APPROVAL OF A SECOND AMENDMENT TO THE REPORT AND DECISION OF THE BOSTON REDEVELOPMENT AUTHORITY AUTHORIZING AND APPROVING THE PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AND St. 1960, c. 652, AS AMENDED.

The undersigned, Mondev Mass., Inc. and Sefrius Corp., General Partners of Lafayette Place Associates, (the "Applicant"), hereby apply to the Boston Redevelopment Authority (the "Authority") pursuant to Chapter 121A of the General Laws, Chapter 652 of the Acts of 1960 and the Rules and Regulations issued by the Authority for approval by the Authority of a Second Amendment to the Report and Decision approved by the Authority on September 6, 1979 as amended by a First Amendment to the Report and Decision approved by the Authority on April 3, 1980.

By this application, the Applicant requests the following specific changes to the Report and Decision, as amended:

1) Substitute "Exhibit 3: Drawings of the Project," sheets one through twelve attached hereto and made a part hereof for Exhibit 3 of the original Application, incorporated by reference in Article B of the Report and Decision. With the completion of design and near-completion of construction of the underlying parking garage and the completion of design of the Project improvements, the allocation of public and private space within the overall Lafayette Place development and the property line between Parcel A (hotel) and Parcel B (retail/commercial) of the Project has been functionally established.

2) Substitute "Exhibit 2: Sheet 2(2)" attached hereto and made a part hereof for the corresponding page of Exhibit 2 of the original Application, incorporated by reference in Article B of the Report and Decision. This amendment follows from small changes in the Project perimeter of Parcels A and B by the final design.

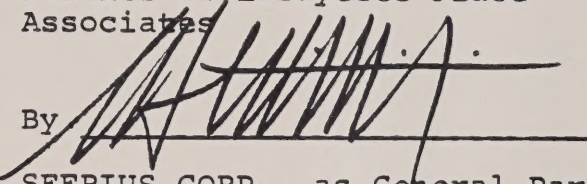
3) Substitute "Exhibit A: Statement of Permission Required for Project to Deviate from Zoning Laws" attached hereto and made a part hereof for Exhibit A to the Report and Decision. With the completion of design of the Project improvements, it is possible to define more precisely the zoning deviations required for the Project. These deviations arise in major part from the need to ensure zoning compliance for a mixed-use air rights development, with horizontal and vertical property lines and functionally integrated improvements, in the context of requirements of the Boston Zoning Code that assume horizontal layout of property ownership and little functional relationship between improvements on property held in separate ownership.

4) Amend Article E of the Report and Decision to show the minimum cost of the Project to be \$75,000,000. Due to delays in the construction by the City of the underlying parking garage, the costs of the Project improvements have increased.

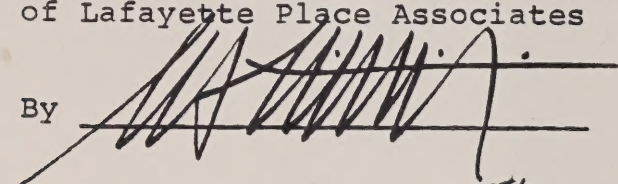
5) Substitute for Sefrius Corp. (an applicant and a general partner of Lafayette Place Associates, Lafayette Place Hotel Associates and Lafayette Place Hayward Associates) a newly formed Delaware corporation under the same name. Such new corporation is wholly-owned by Mondev U.S.A., Inc., the parent of Mondev Mass., Inc., and results from the purchase by Mondev U.S.A., Inc. of the interest in the Project of Union International Immobiliere. This change was authorized by an amendment in 1982 to Section 9.03 of the Tripartite Agreement among Lafayette Place Associates, the City of Boston and Boston Redevelopment Authority, approved by the Authority on February 19, 1982.

EXECUTED THIS NINTH DAY OF FEBRUARY, 1983.

MONDEV MASS., INC., as General
Partner of Lafayette Place
Associates

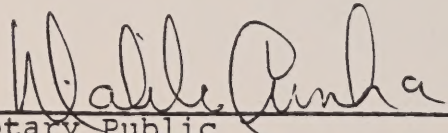
By 

SEFRIUS CORP., as General Partner
of Lafayette Place Associates

By 

February 9th, 1983

Then personally appeared before me Marco T. Ottieri, who being duly sworn, made oath that to the best of his knowledge and belief the statements contained in the foregoing Application are true.


Notary Public

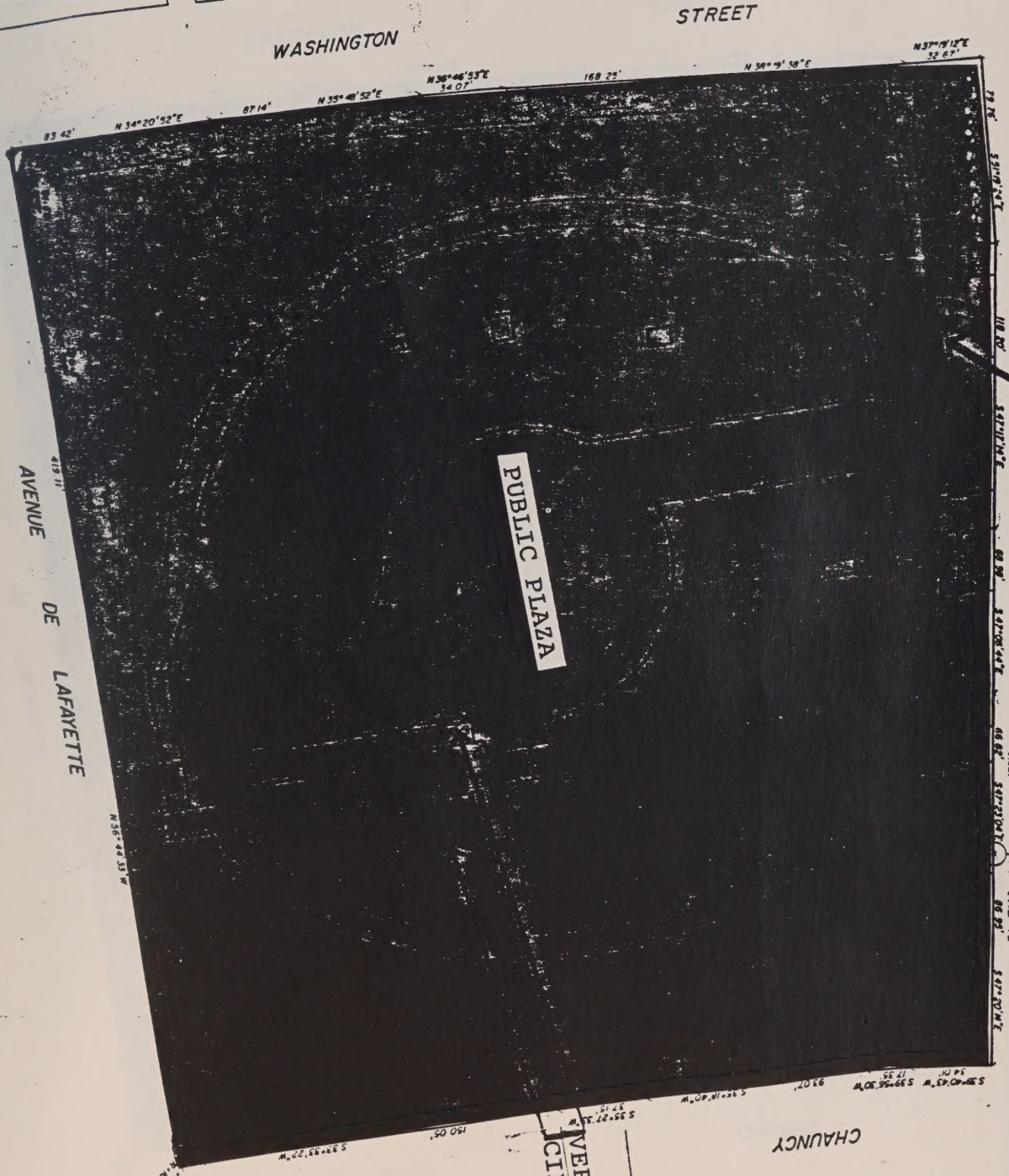
My commission expires: July 25, 1988

EXHIBIT 3

DRAWINGS OF THE PROJECT



Shaded areas shown on the attached drawings comprise the Lafayette Place Project.



PUBLIC ARCADE

PUBLIC PLAZA

AVENUE DE LAFAYETTE

VERTICAL PEDESTRIAN CIRCULATION

STREET

CHAUNCY

LAFAYETTE PLACE PROJECT
BOSTON (SUFFOLK CO.) MASS.
LEVEL +1

SCALE 1"=20'

DESIGNED BY: LAFAYETTE PLACE PROJECT
DRAWN BY: LAFAYETTE PLACE PROJECT
DATE: 10/10/00

WASHINGTON

STREET

AVENUE DE LAFAYETTE

VERTICAL PEDESTRIAN
CIRCULATION

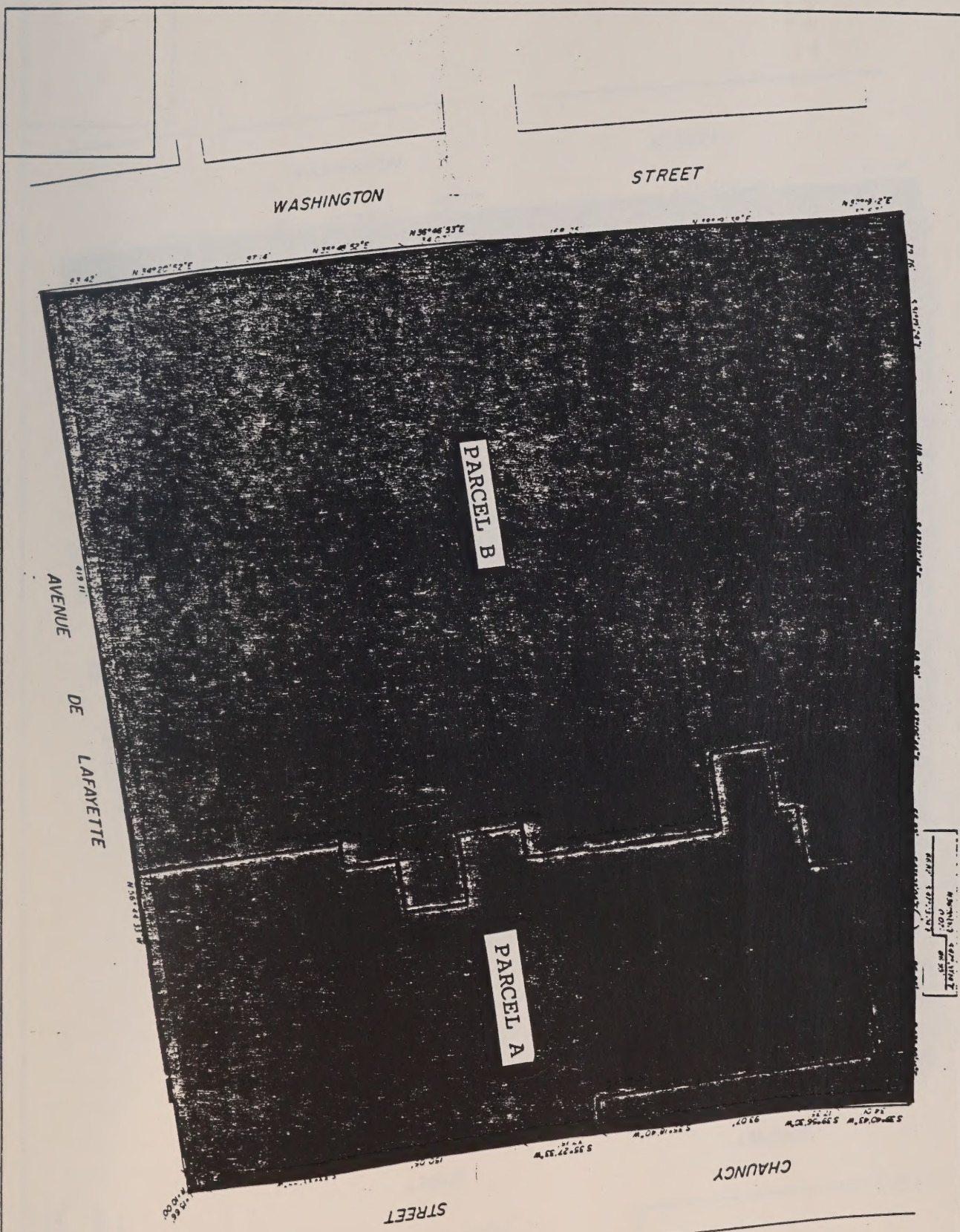
PUBLIC ARCADE

CHAUNCEY

STREET

LAFAYETTE PLACE PROJECT
BOSTON/SUFFOLK COLLEGE
LEVEL +2

SCALE 1" = 20'
HARRY W. FILLMAN, INC.
112 SHAWMUT AVE
BOSTON, MASS

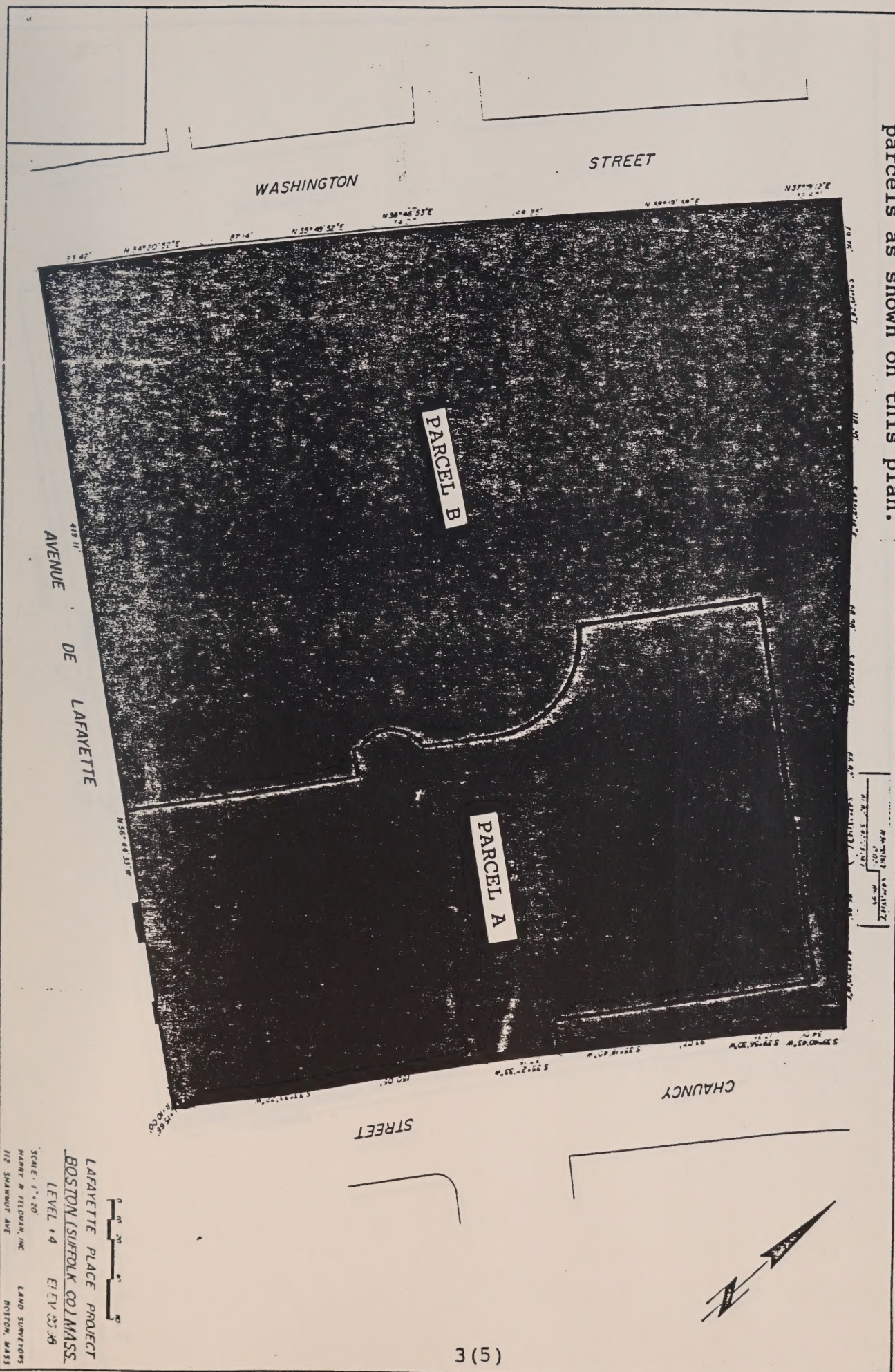


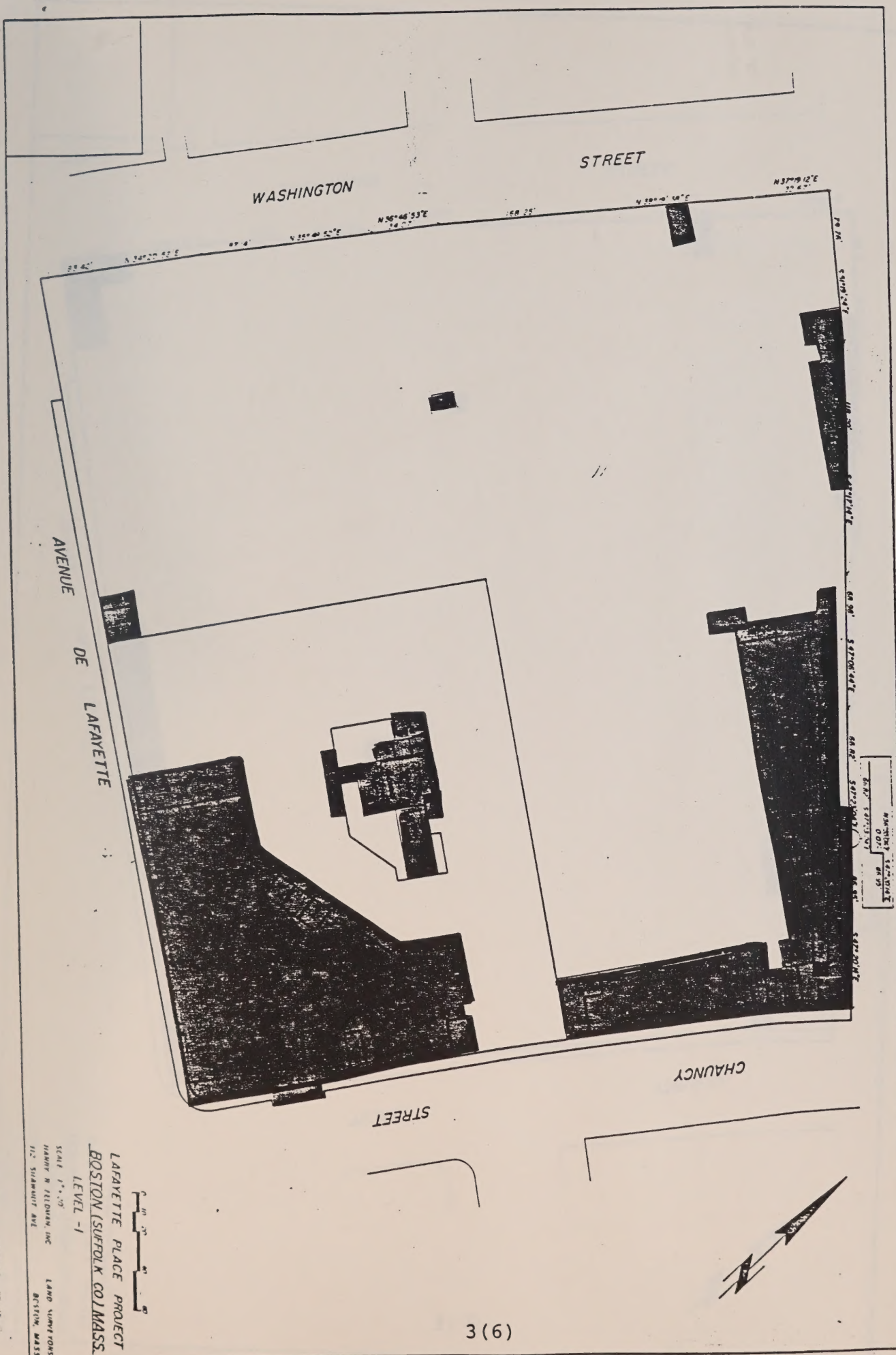
1" = 100' 0" (30.48m)
 1" = 100' 0" (30.48m)
 1" = 100' 0" (30.48m)

LAFAYETTE PLACE PROJECT
 BOSTON (SUFFOLK CO.) MASS.
 LEVEL +3
 SCALE - 1" = 20'
 HARRY A. TILLOMAN, INC.
 112 SHAWMUT AVE
 BOSTON, MASS.



Note: Parcels A and B shall continue vertically as air rights parcels on either side of the planes which project vertically from the line dividing the parcels as shown on this plan.





WASHINGTON

STREET

AVENUE DE LAFAYETTE

CHAUNCY

STREET

3 (7)

LAFAYETTE PLACE PROJECT
-BOSTON (SUFFOLK CO) MASS.

—502101N 150°40.1E COLMASS

2-71A77

SLIP $\theta = 0^\circ$
HARD HITCHHIK, INC
110' VICTORVILLE AVE
LAUREL STATION, MD 20630

MADE IN ITALY, 1980

116. 116000000 116000000

THE UNIVERSITY OF CHICAGO

DECEMBER, 1939

STREET

WASHINGTON

AVENUE
DE
LAFAYETTE

CHAUNCEY

STREET

017 750

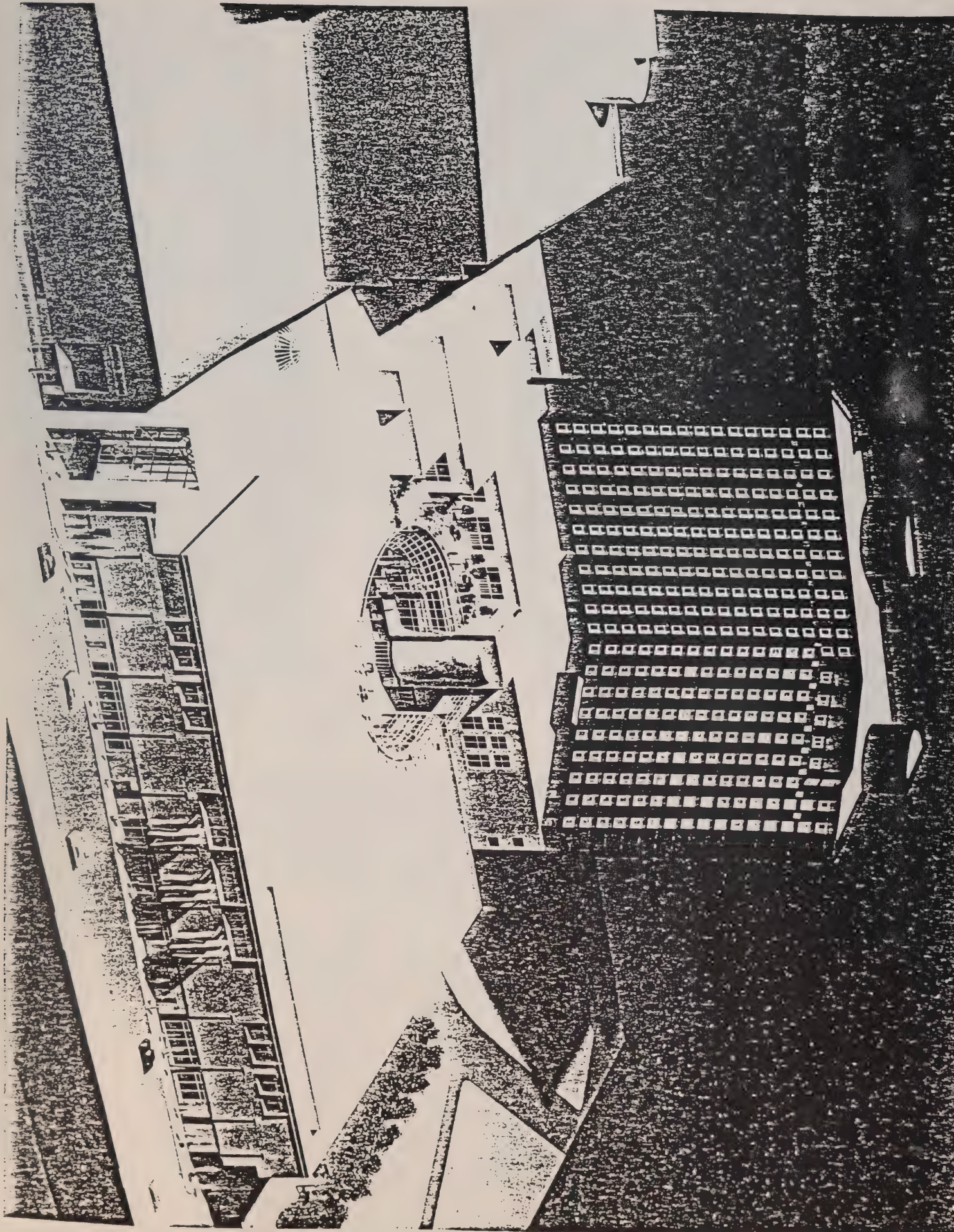
017 750

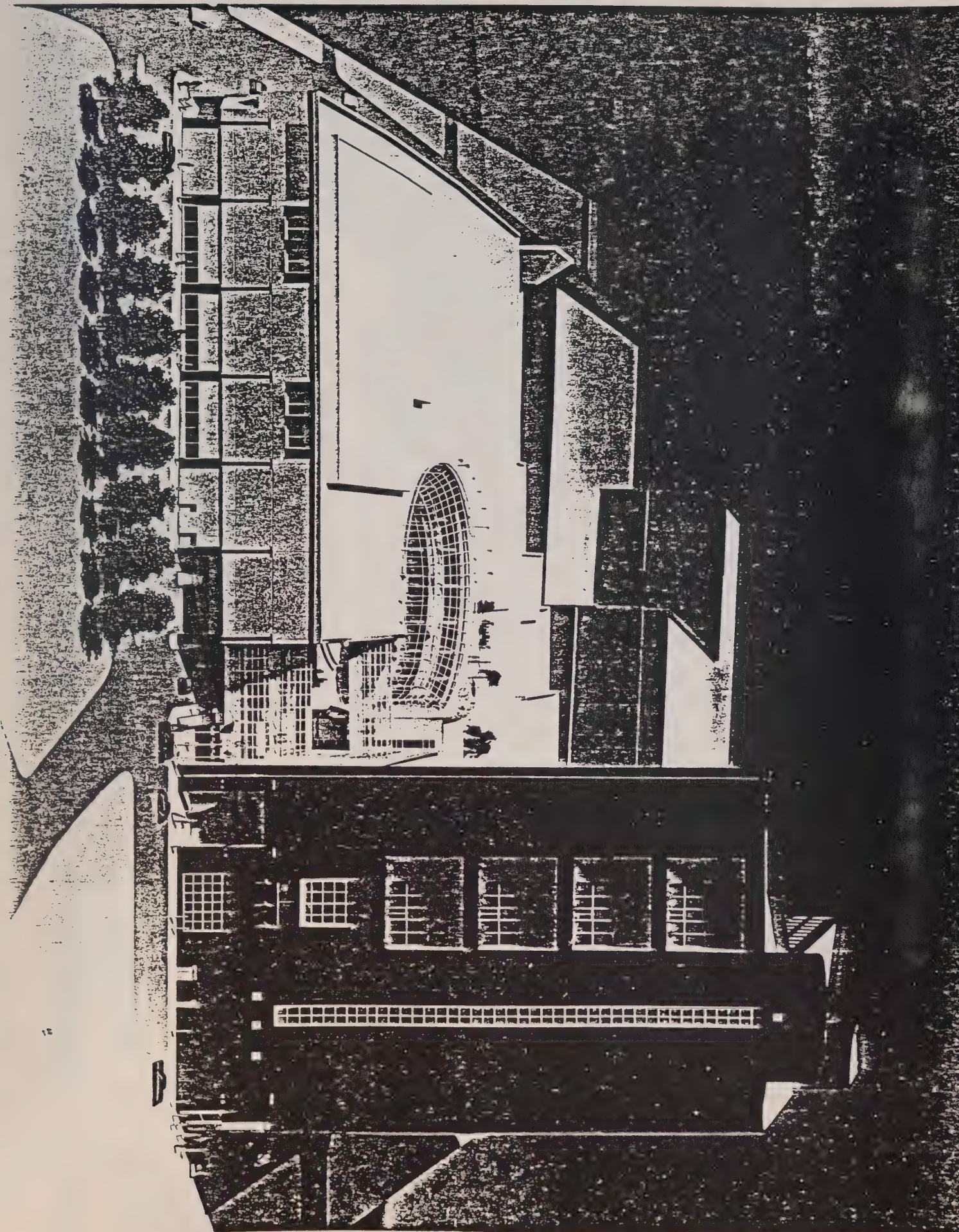
017 750

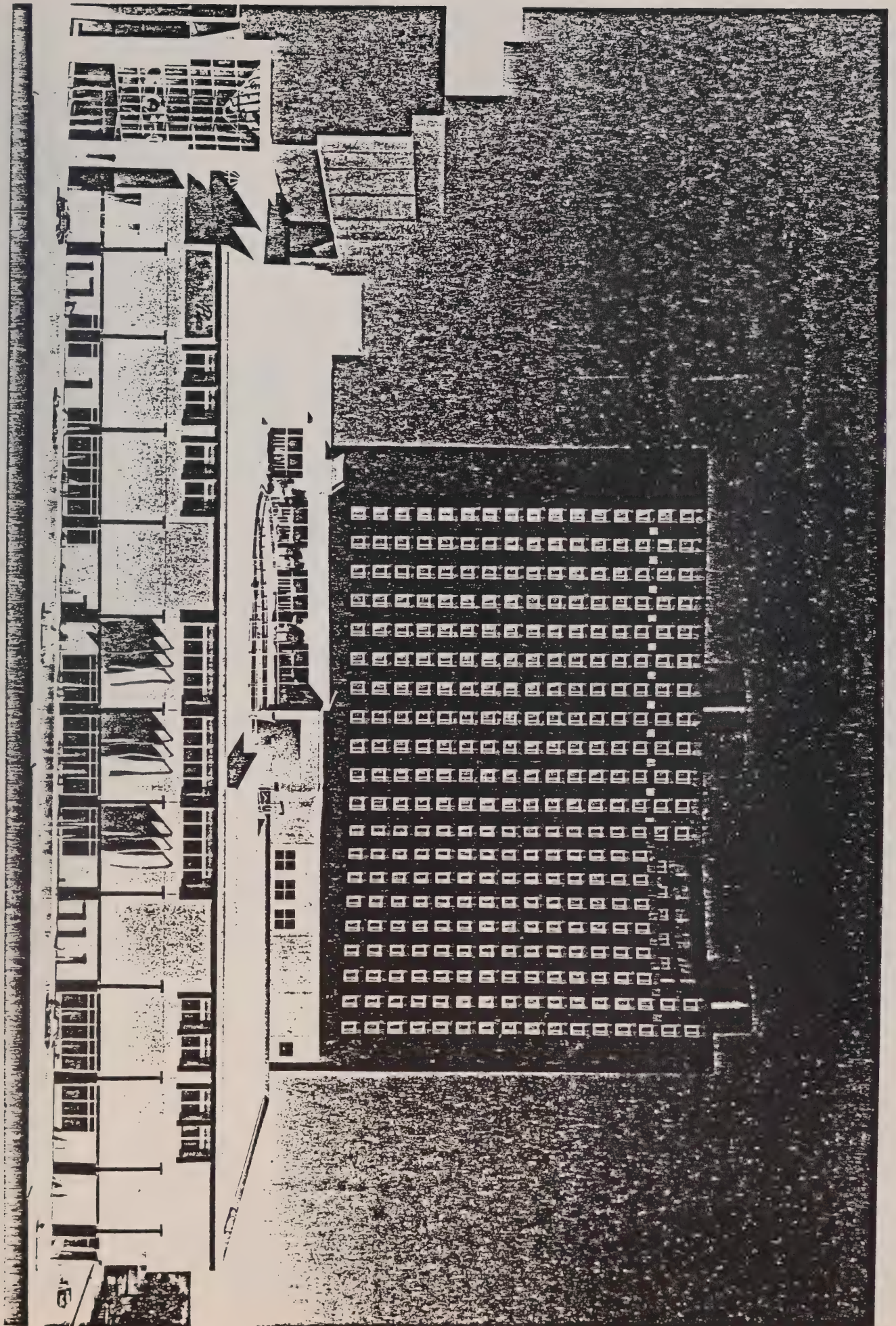


LAFAYETTE PLACE PROJECT
BOSTON (SHEFFIN COL MASS.)
LEVEL -3

SCALE 1" = 20'
NORTH N 115° 00' E
112 WASHINGTON AVE
BOSTON, MASS







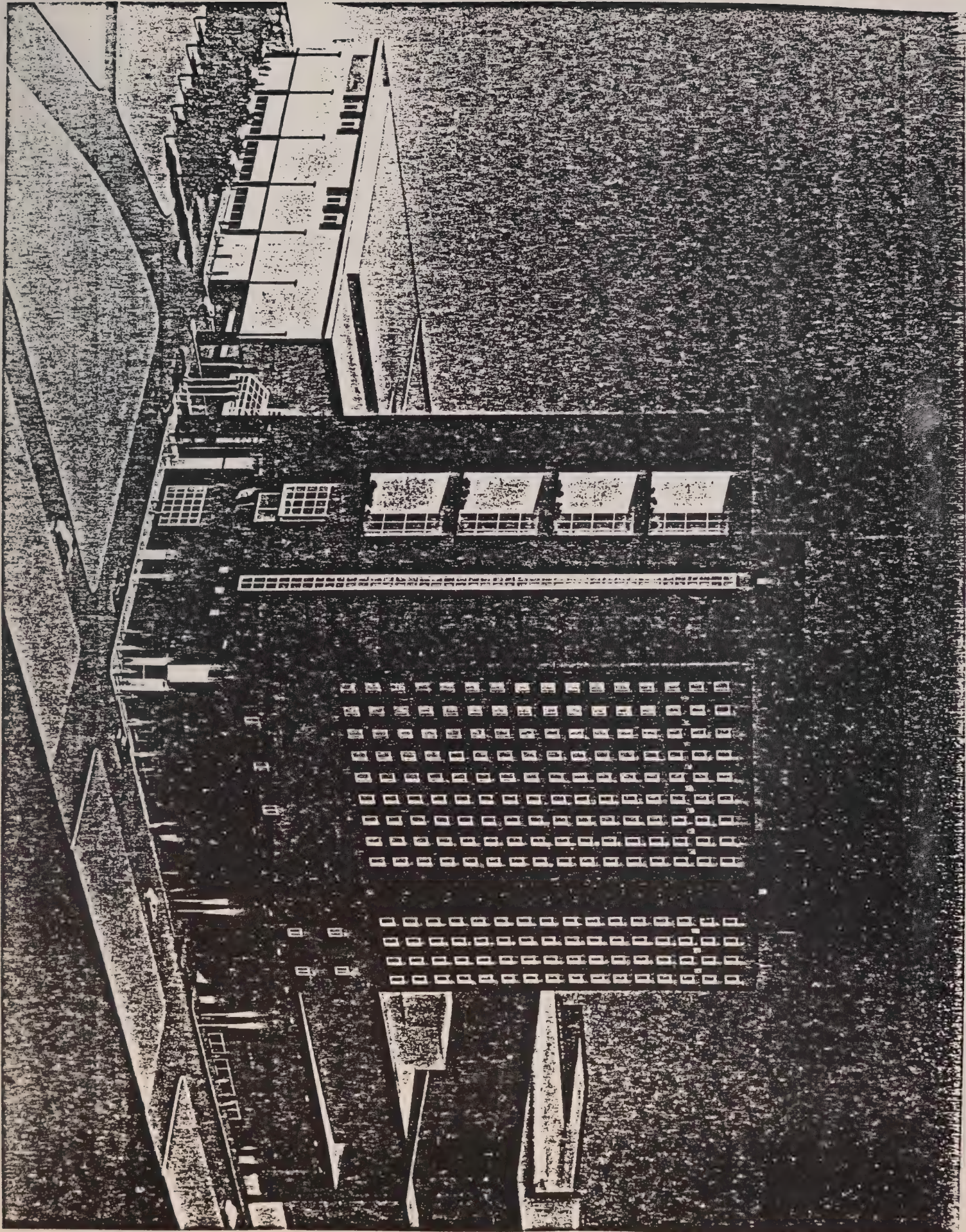


EXHIBIT A

Statement of Permission Required for Project to Deviate From Zoning Laws

The following is a statement of all deviations from the Boston Zoning Code and Enabling Act which so far as known to the applicants will be required for the construction and use of the Project.

I. Parcels A and B:

A. Section 2-1(26) (definition of "lot"): deviations to the extent needed to allow each air rights parcel to constitute an individual zoning lot.

* B. Section 2 of Chapter 665 of the Acts of 1956, as amended (Municipal Uses in Districts Where Dwellings are Permitted): deviations to permit portions of the air rights parcels to be used for "municipal purposes" to the extent such deviations are necessary for the uses of the plaza, malls, and other public easement areas.

C. Article 8, Table A (Uses):

(1) Item 36A (sale over the counter of on-premises prepared food or drink for off premises consumption or for on-premises consumption if, as so sold, such food or drink is ready for take-out [Conditional]): deviations to permit uses classified under Item 36A.

* (2) Item 52 (outdoor place of assembly operated for profit [Conditional]): deviation to permit uses from time to time which might be classified under Item 52 within outdoor interior parts of the Project, e.g., the plaza and terrace overlooking the plaza.

* (3) Item 68 (Industrial Uses [Conditional]): deviation to permit the repair of cameras and photographic equipment, musical instruments, optical equipment, clocks and similar precision instruments, electronic equipment, and similar uses.

* (4) Item 71 (ancillary uses [Conditional]): deviations to permit uses within the Parking Facility ancillary to the uses of the air rights parcels, and to permit uses within the air rights parcels and the adjacent Jordan Marsh property ancillary to uses within Project without such uses being subject to any area limitations which might be imposed by Article 10.

* (5) Item 72A (accessory swimming pool): deviation to permit the hotel swimming pool to be located without regard to any required setback from the lot lines, and to eliminate the requirements of a "fence" screening it from such lot lines.

* (6) Item 78 (accessory hotel uses): deviations to permit uses accessory to the hotel which could be classified under Item No. 78, whether or not such uses are conducted "wholly within the building and entered solely from within the building" and without such uses being subject to any limitations imposed by Article 10.

* (7) Items 85 (accessory use): deviation to permit laundry facilities accessory to the hotel, notwithstanding the fact that a "laundry plant" as defined in Item 45 is forbidden in a B-10 district.

* D. Article 10, Section 10-1 (Limitation of Area of Accessory Uses): deviations so as to make the area limitations of Article 10 inapplicable to 1) the plaza, malls, vertical and horizontal pedestrian circulation systems, and access and egress areas (to the extent that such areas might be classified as accessory uses), 2) to any areas devoted to uses accessory to the maintenance or operation of the building or structure, 3) to any areas devoted to accessory uses which would be allowed as of right (or permitted pursuant to the deviations listed in paragraph C above) if treated as primary uses, and 4) to any lobbies, meeting rooms, ballrooms, kitchens, or customary employee facilities (to the extent that such uses might be classified as accessory uses).

E. Article 13; Section 13-4 (Hotel as "dwelling"): deviations to permit the hotel and parts thereof to be regarded as other than a "dwelling" or "dwellings" for the purposes of applying the dimensional requirements of the Boston Zoning Code.

F. Articles 13 and 15 (Floor area ratio): deviations to allow the air rights parcels each to have indeterminate floor area ratios, or to allow either or both to exceed the applicable floor area ratio limitations, so long as all of the improvements within the area bounded by Washington Street, Avenue de Lafayette, Chauncy Street, and the Jordan Marsh Store do not exceed the maximum floor area ratio of 10.0 if viewed as one large building on one large lot.

G. Articles 13, 18, 19, and 20 (Yard Requirements): deviations to eliminate any yard requirements along any of the lot lines of the air rights parcels, external or internal.

MEMORANDUM

February 17, 1983

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: SECOND AMENDMENT TO REPORT AND DECISION ON
CHAPTER 121A APPLICATION OF LAFAYETTE PLACE
ASSOCIATES

On September 28, 1979, the Authority voted to adopt a Report and Decision on the Application of Lafayette Place Associates for approval of an Urban Redevelopment Project pursuant to MGL (Ter. Ed.) Chapter 121A, as amended, and Chapter 652 of the Acts of 1960. The proposal called for the acquisition of a certain real property bounded by Washington Street, discontinued Avon Street, Chauncy Street, a new public way to be constructed, Avenue deLafayette, Harrison Avenue Extension, and a redefined Hayward Place and construction of a hotel, retail and commercial complex.

On April 3, 1980, the Authority approved a First Amendment to the Report and Decision to allow for additional zoning deviations.

On February 11, 1983, the applicants submitted a request to amend their project approval to amend Exhibits 2 and 3 to accurately show the allocation of public and private space and the property lines between Parcel A (hotel) and Parcel B (retail/commercial). The gross square footage has not been changed, only a realignment of the parcels has been made. They further request that the minimum cost of the project be changed from \$65,000,000 to \$75,000,000 and that additional zoning deviations be granted to more precisely reflect the deviations needed for the project as previously approved.

They are also requesting approval of the Authority to substitute a newly formed Delaware Corporation, Sefrius Corp., as General Partner for the original Co-General Partner by the same name, Sefrius Corp. This new Corporation is wholly owned by Mondev U.S.A., Inc., the parent of Mondev Mass., Inc., the Co-General Partner. The second supplemental Agreement and Amendment to the Tripartite Agreement allowing withdrawal of the original Co-General Partner other than Mondev Mass., Inc., was approved by the Authority on February 19, 1982.

In the opinion of the Chief General Counsel, this Amendment does not represent a fundamental change and does not require a public hearing.

It is therefore recommended that the Authority adopt the attached Second Amendment to the Application and Report and Decision.

An appropriate vote follows:

VOTED: that the document presented at this meeting entitled, "Application of Mondev Mass., Inc., and Sefrius Corp., General Partners of Lafāyette Place Associates, for Approval of a Second Amendment to the Report and Decision of the Boston Redevelopment Authority, Authorizing and Approving the Project under Massachusetts General Laws Chapter 121A and St. 1960, c. 652, as Amended, " be and hereby is approved and adopted.

ROBERT W. MESERVE
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JAMES W. PERKINS
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DANIEL O. MAHONEY
GEORGE I. MULHERN, JR.
ROBERT P. MONCREIFF
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NORMAN P. COHEN
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PAMELA M. RYAN

February 14, 1983

Hand Delivery

Mr. Paul McCann
Boston Redevelopment Authority
Boston City Hall - 9th Floor
Boston, Massachusetts 02201

Dear Paul:

You have requested a brief explanation of the change in general partners of Lafayette Place Associates.

Basically, Mondev Mass., Inc. remains as general partner and the original Sefrius Corp. has withdrawn. This change was approved by the City and the Authority in connection with the 1982 amendment to the Tripartite Agreement. Mondev Mass., Inc. is a subsidiary of Mondev U.S.A., Inc. based in Montreal. The original Sefrius Corp. was controlled by French investors.

The new general partner (also called Sefrius Corp.) is a subsidiary of Mondev U.S.A., Inc., and as such has no independent base of financial strength from that of its sister corporation, Mondev Mass., Inc.

Please let me know if you have any further questions.

Very truly yours,

David

David E. Rideout

DER:lp

cc: Ralph Cahill, Esquire
I.R. Ransen
Mr. Marco Tonci Ottieri
Mr. Martin Surkis

